



Frequently Asked Questions on Manhaj : Part 27

Introduction

All Praise is due to Allaah, we praise Him, seek His aid and His Forgiveness. We seek refuge in Allaah from the evils of our souls and the evils of our actions. Whomsoever Allaah guides there is none to misguide and whomsoever Allaah misguides there is none to guide. I bear witness that there is none worthy of worship except Allaah, alone, without any partners and I bear witness that Muhammad is His servant and messenger.

This is a summarisation of some of the issues of manhaj that have been subject to contention in the current times. The detailed answers and proofs on all the issues addressed in this series can be found on the articles at Wwww.SalafiPublications.Com that are related to these matters. This series is aimed at quickly identifying the issues in a brief, yet concise manner, for the benefit of those who may be unaware of these affairs.

Question 39: Can you explain the difference between matters of ‘Ijtihad’ and matters of “Khilaaf (difference)”, as there seems to be some confusion regarding what exactly they are, and when rejection is to be shown concerning them.

Stated Shaikh Fawzee al-Atharee:¹

“Some people, on account of their ignorance, have confused between the meaning of “the issues of opposition” (masaa’il ul-khilaaf) and the meaning of “the issues of ijtihaad” (masaa’il ul-ijtihaad) and so they have thought the meaning of them both is the one and same!!! Then they built upon this that there is no rejection to be shown for the issues of khilaaf. This is an error. This is because the issues of khilaaf are more general than the issues of ijtihaad. Amongst the issues of difference are those in which differing is allowed and they are the issues of ijtihaad and this is what is meant by the Ulamaa when they state, “there is no rejection to be shown in the issues of ijtihaad” and amongst these issues are those in which differing is not allowed, and they are those that oppose the Book or the Sunnah or an Ijmaa’ (consensus). And it is obligatory to reject these matters and the Ulamaa, past and present have never ceased to warn against whoever opposed any of that. And if rejection had not been shown to any of that, it would have led to the changing (tabdeel) of the religion and its distortion.

Ibn al-Qayyim has spoken of this in I’laam al-Muwaqqi’een (3/288) saying, **“Their saying ‘there is no rejection to be shown for the issues of khilaaf’ is not**

¹ Shaikh Fawzee al-Atharee is one of the students of Shaikh Ibn Uthaimeen from Bahrain and he studied with the Shaikh for 10 years or so. Shaikh Fawzee exposed many of the biased partisans and revealed their innermost secrets, especially those amongst the Turaathi sect of Abdur-Rahmaan Abdul-Khaaliq.

correct. For rejection is to be shown either to the saying and fatwaa or to the action. As for the first, if it is a saying that opposes the Sunnah or an Ijmaa' it is obligatory to reject it by unanimous agreement. And if it is not the case (that it opposes any of that) then it explaining its weakness or its opposition to the evidence is similar to it in rejection.

As for an action, then if it is in opposition to the Sunnah or an Ijmaa' then it is obligatory to reject it according to the various degrees of showing rejection. And how can a faqeeh (jurist) say that no rejection is to be shown in the issues which are differed over. The Fuqahaa (jurists) from all the various factions have clearly spoken of invalidating the judgement of a ruler (i.e. judge, qaadee etc.) when he opposes the Book or the Sunnah, even if some of the Ulamaa are in agreement with him on this issue. As for when there does not exist anything in the Sunnah or from Ijmaa' on this issue then performance of Ijtihaad in this issue is permissible and rejection is not to be shown against one who acted upon this based upon ijtihaad or taqleed.

Certainly, this confusion has arisen from the perspective that a person believes that the issues of khilaaf are actually the issues of ijtihaad, as has been held by numerous factions of people who do not have any ability or firm grounding in knowledge.²

And that which our the Scholars are upon is correct, namely that the issues of ijtihaad, so long as there does not exist any evidence which obligates acting upon it manifestly, such as an authentic hadeeth, which has nothing to contradict it from what is similar to it (in authenticity), then it is permissible – in the absence of any clear and manifest proof which necessitates acting by it – to perform ijtihaad, either due to conflicting evidences or due to the evidences being hidden concerning it.” End of quote from Ibn al-Qayyim.

Hence, the issues of ijtihaad are those in which there is no text from the Book or the Sunnah or from Ijmaa', or those in which there is a text but it is not free of what may oppose it and which has a similar strength to it in terms of being established (i.e. in terms of authenticity) or in its proof of indication.

It is these matters that the Ulamaa intend by their saying, “There is no rejection in the issues of Ijtihaad”. Hence, whoever blindly followed, in these issues of ijtihaad (due to the absence of any decisive proof) then he is not to be shown rejection and nor is he to be abandoned (hajar).

Shaikh ul-Islaam Ibn Taymiyyah said in al-Fataawaa (20/207), “Whoever acted upon the issues of ijtihaad based upon the sayings of one of the Ulamaa, then he is not shown rejection on account of that and nor is he abandoned. And whoever acted upon one of two sayings, then he is not shown rejection. When there are two views on a matter, then if one

² And this is the state of some of the Ruwaibidah of our times.

of the views seems to be more correct in its evidences, then he may act upon it, and if not then he may blindly-follow one of the Ulamaa who can be depended upon in their explanation of the better and more correct of the two sayings, and Allaah knows best.”

However, not showing rejection in the issues of ijtihaad, does not prevent from speaking about them with Sharee’ah based evidences (i.e. to show their erroneous nature), so take note.

Shaikh ul-Islaam Ibn Taymiyyah said in al-Fataawaa (30/80), “The likes of these matters of ijtihaad, then they are not to be shown rejection with the hand (i.e. physically), and it is not anybody’s right to force anybody to follow him in these issues, however they can be spoken about with knowledge-based evidences. So to whomever the correctness of one of two sayings becomes apparent, then he ought to follow it, and whoever blindly-followed the saying of the other one, then he is not to be shown rejection.”

As for the issues of khilaaf (opposition), then they are what oppose the Book or the Sunnah or Ijmaa’.

And it is obligatory to reject this, and the Ulamaa, past and present, have never ceased rejecting anyone who rejects this, and if such oppositions had not been rejected, it would have led to the changing and distortion (tabdeel) of the religion.

Shaikh ul-Islaam Ibn Taymiyyah said, **“Their saying ‘there is no rejection to be shown for the issues of khilaaf’ is not correct. For rejection is to be shown either to the ruling (made) or to the action. As for the first, if it is a saying that opposes the Sunnah or past Ijmaa’ it is obligatory to reject it by unanimous agreement. And if it is not the case (that it opposes any of that) then it is rejected in the sense of explaining its weakness, and this is in the view of those who say that “the truth is only one”, and this is the generality of the Salaf and the Fuqahaa (Jurists).**

As for an action, then if it is in opposition to the Sunnah or an Ijmaa’ then it is obligatory to reject it according to the various degrees of showing rejection, as we have illustrated from the hadeeth related to the one who drinks nabeedh³ about which there is difference of opinion. Just as the ruling of a judge is invalidated when he opposes a Sunnah, even if he had followed one some of the Ulamaa’ in that. As for when there does not exist anything in the Sunnah or from Ijmaa’ on this issue then performance of Ijtihaad in this issue is permissible and rejection is not to be shown against one who acted upon this based upon ijtihaad or taqleed.

Certainly, this confusion has arisen from the perspective that a person believes that the issues of khilaaf are actually the issues of ijtihaad, as has

³ A form of khamr.

been held by numerous factions of people who do not have any ability or firm grounding in knowledge...” (Refer to Aadaab ush-Sharee’ah 1/169).

... and from all of this, with the help of Allaah, the difference between the issues of khilaaf and the issues of ijtihaad will become clear. Hence, everyone who opposes a clear and explicit text, rejection is shown against him, regardless of whether it is an issue of fiqh, or issues of belief, since we have been ordered to follow the texts in all situations and aspects. Not every issue of opposition (khilaaf) is an issue of ijtihaad. Rather issues of difference of opinion fall into two types as has preceded:

a) The issues of khilaaf, and these are matters in which a text or texts are found by which the correctness (or falsehood) of the various opinions held in the issue can be determined.

b) The issues of ijtihaad, and these are the matters in which there is no clear and explicit text which allows the verification of the correctness of the various opinions held in the issue.

Hence, everyone who in his actions or verdicts opposed what the Prophet (sallallaahu alaihi wasallam) came with, then he has brought an evil (munkar), and everyone who sees an evil, then he is obliged to put an end to it, to the extent of his capability. Imaam Muslim reports from Abu Sa’eed al-Khudree – radiallaahu anhu – who said, “I heard the Messenger of Allaah (sallallaahu alaihi wasallam) say: *Whoever amongst you sees an evil, then let him change it with his hand, if he is not able then with his tongue, and if he is not able then with his heart, and that is the weakest form of Imaan (faith).*” (Refer to Hukm ul-Intimaa Fee Masaa’il il-Khilaaf of Dr. Fadl Elaahi p.58).” End of quote from Shaikh Fawzee al-Atharee.

The lesson from the above, is that there is a difference between the matters of permissible ijtihaad and the matters of khilaaf in which there is clear opposition to the Book and the Sunnah, and they are not to be excused but refuted.